

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK \_\_\_\_\_ x

JOSÉ L. SALMERÓN-DE JESÚS and  
FRANCISCO J. MEDINA-SUÁREZ,

Plaintiff,

-against-

NORTHERN DUTCHESS LANDSCAPING INC.,  
JAMES MEDDAUGH, and INTERNATIONAL  
LABOR MANAGEMENT CORPORATION,  
INC.,

Defendants. \_\_\_\_\_ x

08-CV-2168 (KMK)(LMS)

PROPOSED  
DISCOVERY PLAN  
PURSUANT TO  
FED. R. CIV. P. 26(f)

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on July 15, 2008 at approximately 3:30 pm by telephone and was attended by Lara Kasper-Buckareff and Patricia Kakalec of the Workers' Rights Law Center of New York, Inc. for the Plaintiffs, by Jonathan Kozak of Jackson Lewis LLP for Defendants Northern Dutchess Landscaping, Inc and James Meddaugh, and by Michael Collins of Bond, Schoeneck & King, PLLC and W. R. Loftis of Constangy, Brooks & Smith, LLC for Defendant International Labor Management Corporation. The parties agreed to the discovery plan below.

**1) DISCOVERY PLAN**

**A) Changes to the disclosure requirements under Rule 26(a) and the limitations of discovery as set forth in the Federal Rules of Civil Procedure:**

No changes are currently anticipated regarding the timing, form, or requirement for disclosure under federal and local rules.

**B) Date by which mandatory disclosures required under Rule 26(a)(1) will be made:**

Mandatory disclosures will be made on or before the 15<sup>th</sup> day of August, 2008.

**C) Subjects to be addressed in discovery, and whether discovery should be conducted in phases:**

Discovery will address the following subjects:

- Individual and collective claims under the Fair Labor Standards Act (against Northern Dutchess Landscaping, Inc. and James Meddaugh only).
- Individual claims under the Migrant and Seasonal Agricultural Worker Protection Act (against all Defendants).
- Individual claims under Mexican Federal Labor Law (against Northern Dutchess Landscaping, Inc. and James Meddaugh only).
- Individual New York Labor Law and other state law claims (against Northern Dutchess Landscaping, Inc. and James Meddaugh only).

Plaintiffs will also be seeking documents from third parties, including Manpower of the Americas.

Discovery should not be conducted in phases.

**D) Forms of production for electronic discovery:**

Electronic information should be preserved and provided on CD or DVD in whatever format(s) it is preserved.

**E) 26(c) protective orders, claims of privilege or protection.**

The parties do not anticipate requiring or requesting any protective orders. No unusual privilege issues have currently been identified.

**2) OTHER PROPOSED DATES**

**A) Discovery:**

All discovery in this action shall be completed on or before the 29th day of April, 2009.

**B) Motions:**

All dispositive motions shall be made on or before the 29th day of June, 2009.

**C) Joinder of parties and amendment of pleadings.**

The parties currently disagree on the proposed deadline for the joinder of parties and amendment of pleadings in this action.

(i) Plaintiffs propose:

Any application to join any person as a party to this action shall be made on or before the 30th day of December, 2008.

Any application to amend the pleadings to this action shall be made on or before the 30th day of December, 2008.

(ii) Defendants propose:

Any application to join any person as a party to this action shall be made on or before the 1st day of October, 2008.

Any application to amend the pleadings to this action shall be made on or before the 1st day of October, 2008.